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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSEPH ANTHONY DELGADO,

Defendant and Appellant.

B214612

(Los Angeles County
Super. Ct. No. KA085436)

THE COURT:*

Joseph Anthony Delgado (appellant) appeals from the judgment entered following his plea of no contest to one count of possession of a firearm by a felon (Pen. Code, § 12021, subd. (a))¹, and admission that he had suffered a prior strike under the Three Strikes Law (§§ 1170.12, subds. (a)-(d); 667, subds. (b)-(i)). Pursuant to the plea agreement, the trial court sentenced appellant to the low term of 16 months, doubled to 32 months for the prior strike. We appointed counsel to represent him on this appeal.

The following facts were adduced at the preliminary hearing: On December 15, 2008, West Covina Police Department officers arrived at a residence after receiving an emergency call that someone had brandished a weapon at or near that location. The

* BOREN, P. J., DOI TODD, J., ASHMANN-GERST, J.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

person at the residence identified appellant as the person who brandished the weapon. The officers performed a records check on appellant and learned that he was on parole. They went to appellant's listed address. When the officers entered the residence, they ordered appellant to get on the ground and show his hands. Appellant ran to the kitchen and made metal "banging" noises in the kitchen. Appellant subsequently exited the kitchen and the officers detained him. The officers searched the kitchen and found a handgun inside a pot that was on top of the stove. Appellant later waived his *Miranda*² rights and told one of the interviewing officers that the handgun belonged to him.

After the trial court entered his plea, appellant filed a notice of appeal and sought a certificate of probable cause. The trial court denied his request.

After examination of the record, appellant's counsel filed an "Appellant's Opening Brief (Request for Independent Review Pursuant to *People v. Wende* (1979) 25 Cal.3d 436)" in which no issues were raised.

On November 30, 2009, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. We received no response from appellant.

We have examined the entire record and are satisfied that appellant's counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) Furthermore, appellant must comply with the requirements set forth in section 1237.5 and California Rules of Court, rule 8.304(b). Because appellant does not have a certificate of probable cause, he is in violation of these provisions and we must dismiss the appeal. (*People v. Mendez* (1999) 19 Cal.4th 1084, 1098-1099.)

The judgment is dismissed.

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² *Miranda v. Arizona* (1966) 384 U.S. 436 (*Miranda*).